

**MEMORANDUM ENDORSED**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/13/2022

**MARTIN CLEARWATER & BELL LLP**

COUNSELORS AT LAW

220 EAST 42ND STREET, NEW YORK, NY 10017-5842  
TELEPHONE (212) 697-3122 FACSIMILE (212) 949-7054  
[WWW.MCBLAW.COM](http://WWW.MCBLAW.COM)

**GREGORY J. RADOMISLI**  
**PARTNER**

DIRECT DIAL: (212) 916-0923  
E-MAIL: [radomg@mcblaw.com](mailto:radomg@mcblaw.com)

April 12, 2022

**BY ECF**

The Honorable Gregory H. Woods  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: **Samuel v. NewYork-Presbyterian Hospital**  
MCB File No. 16-88108 (WPB)  
Civil Action No. 22 CV 2404 (GHW)

Dear Judge Woods:

We represent the defendant The New York and Presbyterian Hospital ("NYPH") in the above-referenced matter. We are writing this letter on behalf of all parties.

On March 29, 2022, the City requested a 45-day extension of time to serve an Answer to plaintiff's Complaint, making its Answer due on May 13, 2022 (DE 10). Your Honor granted the request.

On March 30, 2022, Your Honor granted NYPH's request for a pre-motion conference (DE 13). That conference is scheduled for April 22, 2022.

April 12, 2022

Page 2

On April 12, 2022, the codefendant City of New York wrote to Your Honor requesting a pre-motion conference (DE 16). Your Honor granted that request earlier today, and scheduled the conference for April 22, 2022 (DE 17).

Given the above, the parties do not believe it would be expedient to submit a Case Management and Scheduling Order at this time, as any dates submitted therein would likely have to be changed after motion practice. Similarly, the parties request that the initial conference scheduled for April 21, 2022 be adjourned until the defendants' anticipated motions are resolved. Importantly, defendants NYPH and the City of New York seek leave to move to dismiss all of plaintiff's federal law claims. If the Court ultimately grants defendants' motions, it would have the option at that time to relinquish its jurisdiction over the state claims, which may obviate the need for a discovery schedule.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

MARTIN CLEARWATER & BELL LLP



Gregory J. Radomisli

SYLVIA O. HINDS-RADIX  
Corporation Counsel for the City  
of New York  
*Attorney for the City of New York*  
100 Church Street  
New York, NY 10007

The parties' request to adjourn the initial pre-trial conference currently scheduled for April 21, 2022 is granted. The initial pre-trial conference scheduled for April 21, 2022 is adjourned sine die. The deadlines for the submission of the parties' joint status letter and the proposed case management plan and scheduling order are also adjourned sine die. The Court will take up any application to stay discovery in the case during the pre-motion conference.


By: /s/ Daniel Tarolli

**DANIEL TAROLLI**  
Assistant Corporation Counsel  
Tel.: (212) 356-4074

/s/  
**John Scola**  
**On behalf of Plaintiff**

SO ORDERED.

Dated: April 13, 2022  
New York, New York

  
**GREGORY H. WOODS**  
United States District Judge